

**EIGHTY-FOURTH GENERAL ASSEMBLY
2012 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

MARCH 21, 2012

**Senate Amendment to
HOUSE FILE 524**

H-8294

1 Amend House File 524, as passed by the House, as
2 follows:
3 1. By striking page 1, line 22, through page 4,
4 line 1, and inserting:
5 <Sec. _____. Section 441.16, Code Supplement 2011, is
6 amended to read as follows:
7 441.16 Budget.
8 1. All expenditures under this chapter shall be
9 paid as ~~hereinafter~~ provided in this section.
10 2. A. Not later than January 1 of each year the
11 assessor, the examining board, and the board of review
12 shall each prepare a proposed budget of all expenses
13 for the ensuing fiscal year. The assessor shall
14 include in the proposed budget the probable expenses
15 for defending assessment appeals. Said budgets shall
16 be combined by the assessor and copies thereof of the
17 budgets forthwith filed by the assessor in triplicate
18 with the chairperson of the conference board.
19 ~~3.~~ B. The combined budgets shall contain an
20 itemized list of the proposed salaries of the assessor
21 and each deputy, the amount required for field
22 personnel and other personnel, their number and their
23 compensation; the estimated amount needed for expenses,
24 printing, mileage, and other expenses necessary to
25 operate the assessor's office, the estimated expenses
26 of the examining board, and the salaries and expenses
27 of the local board of review.
28 ~~4.~~ 3. A. Each fiscal year the chairperson of
29 the conference board shall, by written notice, call
30 a meeting of the conference board to consider the
31 proposed budget and to comply with section 24.9.
32 ~~5.~~ B. At such meeting the conference board shall
33 authorize:
34 a. (1) The number of deputies, field personnel,
35 and other personnel of the assessor's office.
36 b. (2) The salaries and compensation of members of
37 the board of review, the assessor, chief deputy, other
38 deputies, field personnel, and other personnel, and
39 determine the time and manner of payment.
40 c. (3) The miscellaneous expenses of the
41 assessor's office, the board of review, and the
42 examining board, including office equipment, records,
43 supplies, and other required items.
44 d. (4) The estimated expense of assessment
45 appeals. All such expense items shall be included in
46 the budget adopted for the ensuing year.
47 ~~6.~~ 4. All tax levies and expenditures provided for
48 herein shall be subject to the provisions of chapter
49 24 and the conference board is hereby declared to be
50 the certifying board.

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1 ~~7.~~ 5. A. Any tax for the maintenance of the
2 office of assessor and other assessment procedure
3 shall be levied only upon the property in the area
4 assessed by ~~said the assessor,~~ and such tax levy
5 shall not exceed ~~forty and one-half~~ sixty-seven
6 and one-half cents per thousand dollars of assessed
7 value in the assessing areas ~~where the valuation upon~~
8 ~~which the tax is levied does not exceed ninety-two~~
9 ~~million, six hundred thousand dollars, thirty-three and~~
10 ~~three-fourths cents per thousand dollars of assessed~~
11 ~~value in assessing areas where the valuation upon~~
12 ~~which the tax is levied exceeds ninety-two million,~~
13 ~~six hundred thousand dollars and does not exceed one~~
14 ~~hundred eleven million, one hundred twenty thousand~~
15 ~~dollars, twenty-seven cents per thousand dollars of~~
16 ~~assessed value in assessing areas where the valuation~~
17 ~~upon which the tax is levied exceeds one hundred eleven~~
18 ~~million, one hundred twenty thousand dollars~~ area.
19 The county treasurer shall credit the sums received
20 from such levy to a separate fund to be known as the
21 ~~"assessment expense fund"~~ assessment expense fund
22 and from which fund all expenses incurred under this
23 chapter shall be paid. In the case of a county where
24 there is more than one assessor the treasurer shall
25 maintain separate assessment expense funds for each
26 assessor.
27 ~~8.~~ B. The county auditor shall keep a complete
28 record of said funds and shall issue warrants thereon
29 only on requisition of the assessor.
30 ~~9.~~ 6. The assessor shall not issue requisitions
31 so as to increase the total expenditures budgeted for
32 the operation of the assessor's office. However,
33 for purposes of promoting operational efficiency,
34 the assessor shall have authority to transfer funds
35 budgeted for specific items for the operation of
36 the assessor's office from one unexpended balance
37 to another; such transfer shall not be made so as to
38 increase the total amount budgeted for the operation of
39 the office of assessor, and no funds shall be used to
40 increase the salary of the assessor or the salaries of
41 permanent deputy assessors. The assessor shall issue
42 requisitions for the examining board and for the board
43 of review on order of the chairperson of each board and
44 for costs and expenses incident to assessment appeals,
45 only on order of the city legal department, in the case
46 of cities and of the county attorney in the case of
47 counties.
48 ~~10.~~ 7. Unexpended funds remaining in the
49 assessment expense fund at the end of a year shall be
50 carried forward into the next year.>

1 2. By renumbering as necessary.

RECEIVED FROM THE SENATE

Senate Amendment to
HOUSE FILE 2226

H-8293

1 Amend House File 2226, as passed by the House, as
2 follows:

3 1. Page 1, before line 10 by inserting:

4 <Sec. _____. Section 235A.18, subsection 1, paragraph
5 a, Code Supplement 2011, is amended to read as follows:

6 a. Report and disposition data relating to a
7 particular case of alleged child abuse shall be sealed
8 ten years after the initial placement of the data
9 in the registry unless good cause be shown why the
10 data should remain open to authorized access. If a
11 subsequent report of an alleged case of child abuse
12 involving the child named in the initial data placed in
13 the registry as the victim of abuse or a person named
14 in the data as having abused a child is received by the
15 department within this ten-year period, the data shall
16 be sealed ten years after receipt of the subsequent
17 report unless good cause be shown why the data should
18 remain open to authorized access. However, ~~such~~
19 ~~report and a person named in the initial data placed~~
20 in the registry as having abused a child shall have
21 the person's name removed from the registry if that
22 person has not had a subsequent case of alleged abuse
23 which resulted in the person's name being placed in the
24 registry as the person responsible for the abuse within
25 the ten-year period. Report and disposition data shall
26 be made available to the department of justice if the
27 department requests access to the alleged child abuse
28 records for purposes of review by the prosecutor's
29 review committee or commitment of sexually violent
30 predators under chapter 229A.>
31 2. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-8293 FILED MARCH 20, 2012

Senate Amendment to
HOUSE FILE 2245

H-8295

1 Amend House File 2245, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 257.8, subsection 1, Code
6 Supplement 2011, is amended to read as follows:

7 1. State percent of growth. ~~The state percent of~~
8 ~~growth for the budget year beginning July 1, 2010,~~
9 ~~is two percent.~~ The state percent of growth for the
10 budget year beginning July 1, 2012, is two percent.
11 The state percent of growth for the budget year
12 beginning July 1, 2013, is four percent. The state
13 percent of growth for each subsequent budget year shall
14 be established by statute which shall be enacted within
15 thirty days of the submission in the year preceding the
16 base year of the governor's budget under section 8.21.
17 The establishment of the state percent of growth for
18 a budget year shall be the only subject matter of the
19 bill which enacts the state percent of growth for a
20 budget year.

21 Sec. 2. Section 257.8, subsection 2, Code
22 Supplement 2011, is amended to read as follows:

23 2. Categorical state percent of growth. ~~The~~
24 ~~categorical state percent of growth for the budget~~
25 ~~year beginning July 1, 2010, is two percent.~~ The
26 categorical state percent of growth for the budget
27 year beginning July 1, 2012, is two percent. The
28 categorical state percent of growth for the budget
29 year beginning July 1, 2013, is four percent. The
30 categorical state percent of growth for each budget
31 year shall be established by statute which shall
32 be enacted within thirty days of the submission in
33 the year preceding the base year of the governor's
34 budget under section 8.21. The establishment of the
35 categorical state percent of growth for a budget year
36 shall be the only subject matter of the bill which
37 enacts the categorical state percent of growth for a
38 budget year. The categorical state percent of growth
39 may include state percents of growth for the teacher
40 salary supplement, the professional development
41 supplement, and the early intervention supplement.

42 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
43 deemed of immediate importance, takes effect upon
44 enactment.

45 Sec. 4. APPLICABILITY. This Act is applicable for
46 computing state aid under the state school foundation
47 program for the school budget year beginning July 1,
48 2013.

49 Sec. 5. CODE SECTION 257.8 ---- IMPLEMENTATION. The
50 requirements of section 257.8 regarding the enactment

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1 of the regular program state percent of growth and
2 categorical state percent of growth within thirty days
3 of the submission in the year preceding the base year
4 of the governor's budget and the requirements that the
5 subject matter of each bill establishing the state
6 percent of growth or the categorical state percent of
7 growth be the only subject matter of the bill do not
8 apply to this Act.>

9 2. Title page, by striking lines 1 through 3 and
10 inserting <An Act establishing the state percent of
11 growth and the categorical state percent of growth for
12 the school foundation program and including effective
13 date and applicability provisions.>

14 3. By renumbering as necessary.

RECEIVED FROM THE SENATE

SENATE FILE 430

H-8304

1 Amend the amendment, H-8270, to Senate File 430,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. By striking page 1, line 5, through page 2, line
5 38, and inserting:

6 <Section 1. Section 7E.5, subsection 2, paragraph
7 a, Code Supplement 2011, is amended to read as follows:

8 a. There is a civil rights commission, a public
9 employment relations board, an interstate cooperation
10 commission, an Iowa ethics, ~~and~~ campaign disclosure,
11 and public information board, and an Iowa law
12 enforcement academy.

13 Sec. _____. Section 8.7, Code Supplement 2011, is
14 amended to read as follows:

15 8.7 Reporting of gifts and bequests received.

16 All gifts and bequests received by a department
17 or accepted by the governor on behalf of the state
18 shall be reported to the Iowa ethics, ~~and~~ campaign
19 disclosure, and public information board and the
20 general assembly's standing committees on government
21 oversight. The Iowa ethics, ~~and~~ campaign disclosure,
22 and public information board shall, by January 31 of
23 each year, submit to the fiscal services division
24 of the legislative services agency a written report
25 listing all gifts and bequests received during the
26 previous calendar year with a value over one thousand
27 dollars and the purpose for each such gift or bequest.
28 The submission shall also include a listing of all
29 gifts and bequests received by a department from
30 a person if the cumulative value of all gifts and
31 bequests received by the department from the person
32 during the previous calendar year exceeds one thousand
33 dollars, and the Iowa ethics, ~~and~~ campaign disclosure,
34 and public information board shall include, if
35 available, the purpose for each such gift or bequest.
36 However, the reports on gifts or bequests filed by the
37 state board of regents and the Iowa state fair board
38 pursuant to section 8.44 shall be deemed sufficient to
39 comply with the requirements of this section.

40 Sec. _____. Section 17A.2, subsection 11, paragraph
41 1, Code 2011, is amended to read as follows:

42 1. An advisory opinion of the Iowa ethics, ~~and~~
43 campaign disclosure, and public information board.

44 Sec. _____. Section 21.6, subsection 3, paragraph a,
45 subparagraph (3), Code Supplement 2011, is amended to
46 read as follows:

47 (3) Reasonably relied upon a decision of a court, a
48 formal opinion of the Iowa ethics, campaign disclosure,
49 and public information board, the attorney general,
50 or the attorney for the governmental body, given in

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1 writing, or as memorialized in the minutes of the
2 meeting at which a formal oral opinion was given,
3 or an advisory opinion of the Iowa ethics, campaign
4 disclosure, and public information board, the attorney
5 general, or the attorney for the governmental body,
6 given in writing.

7 Sec. _____. Section 22.7, subsection 52, paragraph d,
8 Code Supplement 2011, is amended to read as follows:

9 d. This subsection does not apply to a report filed
10 with the Iowa ethics, and campaign disclosure, and
11 public information board pursuant to section 8.7.

12 Sec. _____. Section 22.7, Code Supplement 2011, is
13 amended by adding the following new subsection:

14 NEW SUBSECTION. 65. Tentative, preliminary,
15 draft, speculative, or research material, prior
16 to its completion for the purpose for which it is
17 intended and in a form prior to the form in which it is
18 submitted for use or used in the actual formulation,
19 recommendation, adoption, or execution of any official
20 policy or action by a public official authorized to
21 make such decisions for the governmental body or the
22 government body. This subsection shall not apply to
23 public records that are actually submitted for use or
24 are used in the formulation, recommendation, adoption,
25 or execution of any official policy or action of a
26 governmental body or a government body by a public
27 official authorized to adopt or execute official policy
28 for the governmental body or the government body.

29 Sec. _____. Section 22.10, subsection 3, paragraph
30 b, subparagraph (3), Code Supplement 2011, is amended
31 to read as follows:

32 (3) Reasonably relied upon a decision of a court, a
33 formal opinion of the Iowa ethics, campaign disclosure,
34 and public information board, the attorney general, or
35 the attorney for the government body, given in writing,
36 or as memorialized in the minutes of the meeting at
37 which a formal oral opinion was given, or an advisory
38 opinion of the Iowa ethics, campaign disclosure, and
39 public information board, the attorney general, or the
40 attorney for the government body, given in writing.>

41 2. Page 2, line 25, by striking <Board>

42 3. Page 2, by striking lines 28 and 29 and
43 inserting <through an efficient, informal, and>

44 4. Page 2, line 32, after <Iowa> by inserting
45 <ethics, campaign disclosure, and>

46 5. Page 2, line 33, by striking <23.3> and
47 inserting <68B.32>

48 6. Page 3, after line 2 by inserting:

49 <3A. "Council" means the Iowa public information
50 advisory council established in section 23.3.>

1 7. Page 3, by striking lines 17 through 21 and
2 inserting:
3 <Sec. _____. NEW SECTION. 23.3 Iowa public
4 information advisory council established.
5 1. An Iowa public information advisory council is
6 established for the purpose of assembling a diverse
7 group of persons to make recommendations to the board
8 concerning the best means to ensure compliance with
9 and the enforcement of the requirements of chapters 21
10 and 22. The council shall meet at least quarterly and
11 at other times as necessary to meet the requirements
12 of this section. The council shall consist of the
13 following seven members appointed by the governor:>
14 8. Page 3, by striking lines 32 through 35 and
15 inserting:
16 g. One member of the public.>
17 9. Page 4, by striking line 1 and inserting:
18 <2. Members appointed to the council shall serve
19 staggered>
20 10. Page 4, by striking line 4 and inserting:
21 <3. A quorum of the council shall consist of four
22 members.>
23 11. Page 4, by striking line 5 and inserting:
24 <4. A vacancy on the council shall be filled by the
25 governor,>
26 12. Page 4, by striking lines 7 through 12 and
27 inserting:
28 <5. The council shall select one of its members to
29 serve as chairperson.>
30 13. Page 4, line 14, by striking <Board> and
31 inserting <Council>
32 14. Page 4, line 16, by striking <board> and
33 inserting <council>
34 15. Page 5, line 11, after <duties> by inserting
35 <under this chapter>
36 16. Page 5, line 12, after <two> by inserting
37 <additional>
38 17. Page 5, line 13, after <authority> by inserting
39 <under this chapter>
40 18. Page 5, line 16, after <employees> by inserting
41 <executing its authority under this chapter>
42 19. Page 5, line 30, by striking <or through
43 mediation and settlement> and inserting <and advice>
44 20. Page 6, after line 1 by inserting:
45 <4A. Establish a procedure for requesting and
46 issuing board advisory opinions to persons subject to
47 the authority of the board under this chapter.>
48 21. Page 6, line 5, by striking <The board may
49 examine> and inserting <Examine, at its discretion,>
50 22. Page 6, by striking lines 20 through 22 and

1 inserting <remedies on a respondent who has been found
2 in violation of chapter 21 or>

3 23. Page 6, line 30, after <Make> by inserting <,
4 in cooperation with the council, the attorney general,
5 and the ombudsman,>

6 24. Page 7, line 9, after <annually> by inserting
7 <by January 1>

8 25. Page 7, after line 18 by inserting:
9 <14. Coordinate, in cooperation with the council,
10 the attorney general, and the ombudsman, the
11 investigation and enforcement of complaints alleging
12 violations of chapters 21 and 22 to avoid duplication
13 of services.>

14 26. Page 8, by striking lines 2 through 17 and
15 inserting:

16 <Sec. _____. NEW SECTION. 23.8 Initial processing
17 of complaint.

18 1. Upon receipt of a complaint alleging a violation
19 of chapter 21 or 22, the executive director of
20 the board or attorney for the board shall review
21 the complaint and determine whether it is legally
22 sufficient pursuant to subsection 2.

23 2. A legally sufficient complaint must allege all
24 of the following:

25 a. Facts that would establish a violation of a
26 provision of chapter 21 or 22 or rules adopted by the
27 board pursuant to chapter 21 or 22.

28 b. Facts that would establish that the conduct
29 providing the basis for the complaint occurred within
30 sixty days of receipt of the complaint.

31 c. Facts that would establish that the subject of
32 the complaint is a party subject to the jurisdiction
33 of the board.

34 3. The complaint and the evaluation regarding
35 legal sufficiency of the complaint by the executive
36 director of the board or the attorney for the board
37 shall be referred to the chairperson of the board.
38 If the chairperson of the board is unavailable, the
39 complaint and the evaluation shall be referred to the
40 vice chairperson of the board.

41 a. If the chairperson or vice chairperson of the
42 board finds the complaint to be legally sufficient,
43 the chairperson or vice chairperson shall accept the
44 complaint and shall notify the parties of that fact in
45 writing.

46 b. If the chairperson or vice chairperson of the
47 board determines that, on its face, the complaint is
48 legally insufficient, involves harmless error, or
49 relates to a specific incident that has been previously
50 finally disposed of on its merits by the board or

1 a court, the chairperson or vice chairperson shall
2 decline to accept the complaint and shall provide the
3 complainant with a written order explaining the reasons
4 therefor.>

5 27. By striking page 8, line 18, through page 9,
6 line 4, and inserting:

7 <Sec. _____. NEW SECTION. 23.9 Informal assistance.

8 After accepting a complaint, board staff shall
9 promptly work with the parties to reach an informal,
10 expeditious resolution of the complaint.

11 Sec. _____. NEW SECTION. 23.10 Enforcement.

12 1. If informal assistance fails to resolve the
13 matter to the>

14 28. Page 9, line 25, by striking <An attorney
15 selected by the> and inserting <The executive director
16 of the board or an attorney selected by the executive>

17 29. Page 10, by striking lines 4 through 8 and
18 inserting:

19 <(1) Require the respondent to pay damages, as
20 provided for in section 21.6 or 22.10, whichever is
21 applicable, to the extent that provision would make
22 such damages payable if the complainant had sought to
23 enforce a violation in court instead of through the
24 board.

25 (02) Require the respondent to take any remedial
26 action deemed appropriate by the board.

27 (002) Publicly reprimand the respondent for
28 violations of chapter 21 or 22.>

29 30. Page 10, by striking lines 31 and 32 and
30 inserting <officer, or an employee of those branches.>

31 31. By striking page 10, line 33, through page 11,
32 line 6.

33 32. Page 11, by striking lines 7 through 23 and
34 inserting:

35 <Sec. _____. Section 68A.101, Code 2011, is amended
36 to read as follows:

37 68A.101 Citation and administration.

38 This chapter may be cited as the "Campaign Disclosure
39 - Income Tax Checkoff Act". The Iowa ethics, ~~and~~
40 campaign disclosure, and public information board shall
41 administer this chapter as provided in sections 68B.32,
42 68B.32A, 68B.32B, 68B.32C, and 68B.32D.

43 Sec. _____. Section 68A.102, subsection 2, Code 2011,
44 is amended to read as follows:

45 2. "Board" means the Iowa ethics, ~~and~~ campaign
46 disclosure, and public information board established
47 under section 68B.32.

48 Sec. _____. Section 68A.405, subsection 1, paragraph
49 d, Code 2011, is amended to read as follows:

50 d. If more than one individual is responsible, the

1 words "paid for by", the names of the individuals, and
2 either the addresses of the individuals or a statement
3 that the addresses of the individuals are on file with
4 the Iowa ethics, ~~and~~ campaign disclosure, and public
5 information board shall appear on the material.

6 Sec. _____. Section 68A.603, Code 2011, is amended to
7 read as follows:

8 68A.603 Rules promulgated.

9 The Iowa ethics, ~~and~~ campaign disclosure, and public
10 information board shall administer the provisions of
11 sections 68A.601, 68A.602, and 68A.604 through 68A.609
12 and shall promulgate all necessary rules in accordance
13 with chapter 17A.

14 Sec. _____. Section 68A.606, Code 2011, is amended to
15 read as follows:

16 68A.606 Funds ---- campaign expenses only.

17 1. The chairperson of the state statutory political
18 committee shall produce evidence to the Iowa ethics,
19 ~~and~~ campaign disclosure, and public information board
20 not later than the twenty-fifth day of January each
21 year, that all income tax checkoff funds expended for
22 campaign expenses have been utilized exclusively for
23 campaign expenses.

24 2. The Iowa ethics, ~~and~~ campaign disclosure, and
25 public information board shall issue, prior to the
26 payment of any money, guidelines that explain which
27 expenses and evidence thereof qualify as acceptable
28 campaign expenses.

29 3. Should the Iowa ethics, ~~and~~ campaign disclosure,
30 and public information board determine that any part of
31 the funds have been used for noncampaign or improper
32 expenses, the board may order the political party or
33 the candidate to return all or any part of the total
34 funds paid to that political party for that election.
35 When such funds are returned, they shall be deposited
36 in the general fund of the state.

37 Sec. _____. Section 68B.2, subsections 3 and 23, Code
38 2011, are amended to read as follows:

39 3. "Board" means the Iowa ethics, ~~and~~ campaign
40 disclosure, and public information board.

41 23. "Regulatory agency" means the department
42 of agriculture and land stewardship, department of
43 workforce development, department of commerce, Iowa
44 department of public health, department of public
45 safety, department of education, state board of
46 regents, department of human services, department
47 of revenue, department of inspections and appeals,
48 department of administrative services, public
49 employment relations board, state department of
50 transportation, civil rights commission, department of

1 public defense, Iowa ethics, ~~and~~ campaign disclosure,
2 and public information board, and department of natural
3 resources.

4 Sec. _____. Section 68B.32, subsections 1 and 5, Code
5 2011, are amended to read as follows:

6 1. A. An Iowa ethics, ~~and~~ campaign disclosure,
7 and public information board is established as an
8 independent agency.

9 b. The board shall administer this chapter and set
10 standards for, investigate complaints relating to, and
11 monitor ~~the~~ all of the following:

12 (1) The ethics of officials, employees, lobbyists,
13 and candidates for office in the executive branch of
14 state government. The board shall administer and set
15 standards for, investigate complaints relating to, and
16 monitor the campaign

17 (2) Campaign finance practices of candidates
18 for public office. The board shall administer and
19 establish standards for, investigate complaints
20 relating to, and monitor the

21 (3) The reporting of gifts and bequests under
22 section 8.7.

23 c. The board shall administer chapter 23 and set
24 standards for, investigate complaints relating to,
25 and provide an alternative means by which to secure
26 compliance with and enforcement of the requirements of
27 chapters 21 and 22.

28 d. The board shall consist of six members and shall
29 be balanced as to political affiliation as provided in
30 section 69.16. The members shall be appointed by the
31 governor, subject to confirmation by the senate.

32 5. The board shall employ a full-time executive
33 director who shall be the board's chief administrative
34 officer. The board shall employ or contract for the
35 employment of legal counsel notwithstanding section
36 13.7, and any other personnel as may be necessary
37 to carry out the duties of the board. The board's
38 legal counsel shall be the chief legal officer of
39 the board and shall advise the board on all legal
40 matters relating to the administration of this chapter
41 ~~and chapter~~ chapters 23 and 68A. The state may be
42 represented by the board's legal counsel in any civil
43 action regarding the enforcement of this chapter or
44 chapter 23 or 68A, or at the board's request, the
45 state may be represented by the office of the attorney
46 general. Notwithstanding section 8A.412, all of the
47 board's employees, except for the executive director
48 and legal counsel, shall be employed subject to the
49 merit system provisions of chapter 8A, subchapter IV.
50 The salary of the executive director shall be fixed by

1 the board, within the range established by the general
2 assembly. The salary of the legal counsel shall be
3 fixed by the board, within a salary range established
4 by the department of administrative services for
5 a position requiring similar qualifications and
6 experience.

7 Sec. _____. Section 68B.32A, subsection 1, Code 2011,
8 is amended to read as follows:

9 1. Adopt rules pursuant to chapter 17A and conduct
10 hearings under sections 23.10, 68B.32B, and 68B.32C and
11 chapter 17A, as necessary to carry out the purposes of
12 this chapter, ~~chapter~~ chapters 23 and 68A, and section
13 8.7.

14 Sec. _____. Section 68B.32A, Code 2011, is amended by
15 adding the following new subsection:

16 NEW SUBSECTION. 20. Exercise the authority,
17 powers, and duties of the board under chapter 23.

18 Sec. _____. Section 68B.35, subsection 2, paragraph
19 e, Code Supplement 2011, is amended to read as follows:

20 e. Members of the state banking council, the Iowa
21 ethics, and campaign disclosure, and public information
22 board, the credit union review board, the economic
23 development authority, the employment appeal board,
24 the environmental protection commission, the health
25 facilities council, the Iowa finance authority, the
26 Iowa public employees' retirement system investment
27 board, the board of the Iowa lottery authority, the
28 natural resource commission, the board of parole, the
29 petroleum underground storage tank fund board, the
30 public employment relations board, the state racing and
31 gaming commission, the state board of regents, the tax
32 review board, the transportation commission, the office
33 of consumer advocate, the utilities board, the Iowa
34 telecommunications and technology commission, and any
35 full-time members of other boards and commissions as
36 defined under section 7E.4 who receive an annual salary
37 for their service on the board or commission. The Iowa
38 ethics, and campaign disclosure, and public information
39 board shall conduct an annual review to determine if
40 members of any other board, commission, or authority
41 should file a statement and shall require the filing
42 of a statement pursuant to rules adopted pursuant to
43 chapter 17A.

44 Sec. _____. Section 68B.35, subsection 5, Code
45 Supplement 2011, is amended to read as follows:

46 5. A. A candidate for statewide office shall
47 file a financial statement with the Iowa ethics, and
48 campaign disclosure, and public information board,
49 a candidate for the office of state representative
50 shall file a financial statement with the chief clerk

1 of the house of representatives, and a candidate for
2 the office of state senator shall file a financial
3 statement with the secretary of the senate. Statements
4 shall contain information concerning the year preceding
5 the year in which the election is to be held.

6 b. The Iowa ethics, and campaign disclosure,
7 and public information board shall adopt rules
8 pursuant to chapter 17A providing for the filing of
9 the financial statements with the board and for the
10 deposit, retention, and availability of the financial
11 statements. The ethics committees of the house of
12 representatives and the senate shall recommend rules
13 for adoption by the respective houses providing for
14 the filing of the financial statements with the chief
15 clerk of the house or the secretary of the senate and
16 for the deposit, retention, and availability of the
17 financial statements. Rules adopted shall also include
18 a procedure for notification of candidates of the duty
19 to file disclosure statements under this section.

20 Sec. _____. Section 331.210A, subsection 2, paragraph
21 e, subparagraphs (1) and (2), Code 2011, are amended
22 to read as follows:

23 (1) The plan approved by the board of supervisors
24 shall be submitted to the state commissioner of
25 elections for approval. If the state commissioner or
26 the Iowa ethics, and campaign disclosure, and public
27 information board finds that the plan does not meet
28 the standards of section 42.4, the state commissioner
29 shall reject the plan, and the board of supervisors
30 shall direct the commission to prepare and adopt an
31 acceptable plan.

32 (2) For purposes of determining whether the
33 standards of section 42.4 have been met, an
34 eligible elector may file a complaint with the state
35 commissioner of elections within fourteen days after
36 a plan is approved by the board of supervisors of the
37 county in which the eligible elector resides, on a form
38 prescribed by the commissioner, alleging that the plan
39 was drawn for improper political reasons as described
40 in section 42.4, subsection 5. If a complaint is filed
41 with the state commissioner of elections, the state
42 commissioner shall forward the complaint to the Iowa
43 ethics, and campaign disclosure, and public information
44 board established in section 68B.32 for resolution.

45 Sec. _____. Section 331.756, subsection 15, Code
46 Supplement 2011, is amended to read as follows:

47 15. Review the report and recommendations of
48 the Iowa ethics, and campaign disclosure, and
49 public information board and proceed to institute
50 the recommended actions or advise the board that

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1 prosecution is not merited, as provided in sections
2 68B.32C and 68B.32D.>

3 33. Title page, line 3, by striking <board> and
4 inserting <Act>

5 34. Title page, line 3, by striking <and effective
6 date>

By LENSING of Johnson

H-8304 FILED MARCH 20, 2012

Senate Amendment to House Amendment to
SENATE FILE 365

H-8303

1 Amend the House amendment, S-3246, to Senate File
2 365, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. By striking page 1, line 3, through page 2, line
5 31, and inserting:

6 <____. By striking everything after the enacting
7 clause and inserting:

8 <Section 1. Section 232.8, subsection 1, paragraph
9 c, Code 2011, is amended to read as follows:

10 c. Violations by a child, aged sixteen or older,
11 which subject the child to the provisions of section
12 124.401, subsection 1, paragraph "e" or "f", or
13 violations of section 723A.2 which involve a violation
14 of chapter 724, or violation of chapter 724 which
15 constitutes a felony, or violations which constitute
16 a forcible felony are excluded from the jurisdiction
17 of the juvenile court and shall be prosecuted as
18 otherwise provided by law unless the district court
19 transfers jurisdiction of the child to the juvenile
20 court upon motion and for good cause pursuant to
21 ~~section 803.6. A child over whom jurisdiction has not~~
22 ~~been transferred to the juvenile court, and who is~~
23 ~~convicted of a violation excluded from the jurisdiction~~
24 ~~of the juvenile court under this paragraph, shall be~~
25 ~~sentenced pursuant to section 124.401B, 902.9, or~~
26 ~~903.1.~~ Notwithstanding any other provision of the
27 Code to the contrary, the district court may accept
28 from a child in district court a plea of guilty, or
29 may instruct the jury on a lesser included offense
30 to the offense excluded from the jurisdiction of the
31 juvenile court under this section, in the same manner
32 as regarding an adult. The judgment and sentence of
33 a child in district court shall be as provided in
34 section 901.5. However, the juvenile court shall
35 have exclusive original jurisdiction in a proceeding
36 concerning an offense of animal torture as provided in
37 section 717B.3A alleged to have been committed by a
38 child under the age of seventeen.

39 Sec. 2. Section 232.8, subsection 3, paragraph a,
40 Code 2011, is amended to read as follows:

41 a. The juvenile court, after a hearing and in
42 accordance with the provisions of section 232.45, may
43 waive jurisdiction of a child alleged to have committed
44 a public offense so that the child may be prosecuted
45 as an adult or youthful offender for such offense in
46 another court. If the child, ~~except a child being~~
47 ~~prosecuted as a youthful offender,~~ pleads guilty or is
48 found guilty of a public offense other than a class "A"
49 felony in another court of this state, that court may
50 suspend the sentence or, with the consent of the child,

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1 defer judgment and without regard to restrictions
2 placed upon deferred judgments for adults, place the
3 child on probation for a period of not less than one
4 year upon such conditions as it may require. Upon
5 fulfillment of the conditions of probation, a child
6 who receives a deferred judgment shall be discharged
7 without entry of judgment. A child prosecuted as
8 a youthful offender shall be sentenced pursuant to
9 section 907.3A.

10 Sec. 3. Section 232.45, subsection 6, unnumbered
11 paragraph 1, Code 2011, is amended to read as follows:

12 At the conclusion of the waiver hearing the court
13 may waive its jurisdiction over the child for the
14 alleged commission of the public offense for the
15 purpose of prosecution of the child as an adult if all
16 of the following apply:

17 Sec. 4. Section 232.45, subsection 7, paragraph
18 a, subparagraph (1), Code 2011, is amended to read as
19 follows:

20 (1) The child is twelve through fifteen years of
21 age or younger the child is ten or eleven years of age
22 and has been charged with a public offense that would
23 be classified as a class "A" felony if committed by an
24 adult.

25 Sec. 5. Section 232.45A, subsections 2 and 3, Code
26 2011, are amended to read as follows:

27 2. Once a child sixteen years of age or older
28 has been waived ~~to and convicted of an aggravated~~
29 ~~misdemeanor or a felony in by the juvenile court to the~~
30 ~~district court, all subsequent criminal proceedings~~
31 ~~against the child for any aggravated misdemeanor~~
32 ~~or felony occurring subsequent to the date of the~~
33 ~~conviction of the child for any delinquent act~~
34 committed after the date of the waiver by the juvenile
35 court shall begin in district court, notwithstanding
36 sections 232.8 and 232.45. A copy of the findings
37 required by section 232.45, subsection 10, shall
38 be made a part of the record in the district court
39 proceedings. However, upon acquittal or dismissal
40 in district court of all waived offenses and all
41 lesser included offenses of the waived offenses, the
42 proceedings for any delinquent act committed by the
43 child subsequent to such acquittal or dismissal shall
44 begin in juvenile court. Any proceedings initiated in
45 district court for a public offense committed by the
46 child subsequent to the waiver by the juvenile court,
47 but prior to any acquittal or dismissal of all waived
48 offenses and lesser included offenses in district
49 court, shall remain in district court.

50 3. If proceedings against a child ~~for an aggravated~~

1 ~~misdemeanor or a felony~~ sixteen years of age or older
2 who has previously been waived to ~~and convicted of~~
3 ~~an aggravated misdemeanor or a felony in the district~~
4 court are mistakenly begun in the juvenile court, the
5 matter shall be transferred to district court upon
6 the discovery of the prior waiver and conviction,
7 notwithstanding sections 232.8 and 232.45.>

8 Sec. 6. Section 232.50, subsection 1, Code 2011, is
9 amended to read as follows:

10 1. As soon as practicable following the entry
11 of an order of adjudication pursuant to section
12 232.47 or notification that the child has ~~received a~~
13 ~~youthful offender deferred sentence~~ been placed on
14 youthful offender status pursuant to section 907.3A,
15 the court shall hold a dispositional hearing in order
16 to determine what disposition should be made of the
17 matter.

18 Sec. 7. Section 232.52, subsection 1, Code 2011, is
19 amended to read as follows:

20 1. Pursuant to a hearing as provided in section
21 232.50, the court shall enter the least restrictive
22 dispositional order appropriate in view of the
23 seriousness of the delinquent act, the child's
24 culpability as indicated by the circumstances of
25 the particular case, the age of the child, the
26 child's prior record, or the fact that the child has
27 ~~received a youthful offender deferred sentence~~ been
28 placed on youthful offender status under section
29 907.3A. The order shall specify the duration and
30 the nature of the disposition, including the type of
31 residence or confinement ordered and the individual,
32 agency, department, or facility in whom custody is
33 vested. In the case of a child who has ~~received a~~
34 ~~youthful offender deferred sentence~~ been placed on
35 youthful offender status, the initial duration of the
36 dispositional order shall be until the child reaches
37 the age of eighteen.

38 Sec. 8. Section 232.54, subsection 1, paragraph g,
39 Code 2011, is amended to read as follows:

40 g. With respect to a juvenile court dispositional
41 order entered regarding a child who has ~~received a~~
42 ~~youthful offender deferred sentence~~ been placed on
43 youthful offender status under section 907.3A, the
44 dispositional order may be terminated prior to the
45 child reaching the age of eighteen upon motion of the
46 child, the person or agency to whom custody of the
47 child has been transferred, or the county attorney
48 following a hearing before the juvenile court if it is
49 shown by clear and convincing evidence that it is in
50 the best interests of the child and the community to

1 terminate the order. The hearing may be waived if all
2 parties to the proceeding agree. The dispositional
3 order regarding a child who has ~~received a youthful~~
4 ~~offender deferred sentence~~ been placed on youthful
5 offender status may also be terminated prior to the
6 child reaching the age of eighteen upon motion of the
7 county attorney, if the waiver of the child to district
8 court was conditioned upon the terms of an agreement
9 between the county attorney and the child, and the
10 child violates the terms of the agreement after the
11 waiver order has been entered. The district court
12 shall discharge the child's youthful offender status
13 upon receiving a termination order under this section.

14 Sec. 9. Section 232.54, subsection 1, paragraph h,
15 unnumbered paragraph 1, Code 2011, is amended to read
16 as follows:

17 With respect to a dispositional order entered
18 regarding a child who has ~~received a youthful offender~~
19 ~~deferred sentence~~ been placed on youthful offender
20 status under section 907.3A, the juvenile court may,
21 in the case of a child who violates the terms of the
22 order, modify or terminate the order in accordance with
23 the following:

24 Sec. 10. Section 232.55, subsection 3, Code 2011,
25 is amended to read as follows:

26 3. This section does not apply to dispositional
27 orders entered regarding a child who has ~~received a~~
28 ~~youthful offender deferred sentence~~ been placed on
29 youthful offender status under section 907.3A who
30 is not discharged from probation before or upon the
31 child's eighteenth birthday.

32 Sec. 11. Section 232.56, Code 2011, is amended to
33 read as follows:

34 232.56 Youthful offenders ---- transfer to district
35 court supervision.

36 The juvenile court shall deliver a report, which
37 includes an assessment of the child by a juvenile court
38 officer after consulting with the judicial district
39 department of correctional services, to the district
40 court prior to the eighteenth birthday of a child who
41 has ~~received a youthful offender deferred sentence~~
42 been placed on youthful offender status under section
43 907.3A. A hearing shall be held in the district court
44 in accordance with section 907.3A to determine whether
45 the child should be discharged from youthful offender
46 status or whether the child shall continue under the
47 supervision of the district court after the child's
48 eighteenth birthday.

49 Sec. 12. Section 901.5, Code Supplement 2011, is
50 amended by adding the following new subsection:

1 NEW SUBSECTION. 14. Notwithstanding any provision
2 in section 907.3 or any other provision of law
3 prescribing a mandatory minimum sentence for the
4 offense, if the defendant is guilty of a public offense
5 other than a class "A" felony, and was a minor at
6 the time the offense was committed, the court may
7 suspend the sentence in whole or in part, including any
8 mandatory minimum sentence, defer sentence, or with the
9 consent of the defendant, defer judgment, and place the
10 defendant on probation, upon such conditions as the
11 court may require.

12 Sec. 13. Section 907.3A, Code 2011, is amended to
13 read as follows:

14 907.3A ~~Youthful offender deferred sentence~~
15 ~~youthful offender status.~~

16 1. Notwithstanding section 907.3 but subject to any
17 conditions of the waiver order, the trial court shall,
18 upon a plea of guilty or a verdict of guilty, ~~defer~~
19 ~~sentence of a youthful offender~~ place the juvenile
20 over whom the juvenile court has waived jurisdiction
21 pursuant to section 232.45, subsection 7, and place
22 the juvenile on youthful offender status. The court
23 shall transfer supervision of the youthful offender
24 to the juvenile court for disposition in accordance
25 with section 232.52. An adjudication of delinquency
26 entered by the juvenile court at disposition for
27 a public offense shall not be deemed a conviction
28 and shall not preclude the subsequent entry of a
29 deferred judgment, conviction, or sentence by the
30 district court. The court shall require supervision
31 of the youthful offender in accordance with section
32 232.54, subsection 1, paragraph "h", or subsection 2
33 of this section. ~~Notwithstanding section 901.2, a~~
34 ~~presentence investigation shall not be ordered by the~~
35 ~~court subsequent to an entry of a plea of guilty or~~
36 ~~verdict of guilty or prior to deferral of sentence of a~~
37 ~~youthful offender under this section.~~

38 2. The court shall hold a hearing prior to a
39 youthful offender's eighteenth birthday to determine
40 whether the youthful offender shall continue on
41 youthful offender status after the youthful offender's
42 eighteenth birthday ~~under the supervision of the~~
43 ~~court or be discharged.~~ Notwithstanding section
44 901.2, the court may order a presentence investigation
45 report including a report for an offense classified
46 as a class "A" felony. The court shall review the
47 report of the juvenile court regarding the youthful
48 offender ~~and prepared pursuant to section 232.56,~~
49 ~~and any presentence investigation report, if ordered~~
50 ~~by the court.~~ The court shall hear evidence by or

1 on behalf of the youthful offender, by the county
2 attorney, and by the person or agency to whom custody
3 of the youthful offender was transferred. The court
4 shall make its decision, pursuant to the sentencing
5 options available in subsection 3, after considering
6 the services available to the youthful offender, the
7 evidence presented, the juvenile court's report, the
8 presentence investigation report if ordered by the
9 court, the interests of the youthful offender, and
10 interests of the community.

11 3. a. Notwithstanding any provision of the Code
12 which prescribes a mandatory minimum sentence for the
13 offense committed by the youthful offender, following
14 transfer of the youthful offender from the juvenile
15 court back to the court having jurisdiction over the
16 criminal proceedings involving the youthful offender,
17 the court ~~may continue the youthful offender deferred~~
18 ~~sentence or enter a sentence, which may be a suspended~~
19 ~~sentence.~~ shall order one of the following sentencing
20 options:

21 (1) Defer judgment and place the youthful offender
22 on probation, upon the consent of the youthful
23 offender.

24 (2) Defer the sentence and place the youthful
25 offender on probation upon such terms and conditions
26 as the court may require.

27 (3) Suspend the sentence and place the youthful
28 offender on probation upon such terms and conditions
29 as the court may require.

30 (4) A term of confinement.

31 (5) Discharge the youthful offender from youthful
32 offender status and terminate the sentence.

33 b. Notwithstanding anything in section 907.7 to
34 the contrary, if the district court ~~either grants~~
35 the youthful offender a deferred judgment, continues
36 the youthful offender deferred sentence, or enters a
37 sentence, and suspends the sentence, and places the
38 youthful offender on probation, the term of formal
39 supervision shall commence upon entry of the order by
40 the district court and may continue for a period not
41 to exceed five years. If the district court enters a
42 sentence of confinement, and the youthful offender was
43 previously placed in secure confinement by the juvenile
44 court under the terms of the initial disposition order
45 or any modification to the initial disposition order,
46 the person shall receive credit for any time spent in
47 secure confinement. During any period of probation
48 imposed by the district court, a youthful offender who
49 violates the terms of probation is subject to section
50 908.11.

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- 1 2. Title page, line 2, after <status> by inserting
- 2 <and the prosecution of a juvenile in juvenile or>>

RECEIVED FROM THE SENATE

H-8303 FILED MARCH 20, 2012

SENATE FILE 479

H-8306

- 1 Amend the amendment, H-8287, to Senate File 479, as
- 2 passed by the Senate, as follows:

- 3 1. Page 1, line 12, after <sex.> by inserting <A
- 4 swine classified by the department of agriculture and
- 5 land stewardship as fifteen percent or more Russian
- 6 boar or European boar is not a domesticated swine.>

By MUHLBAUER of Crawford

H-8306 FILED MARCH 20, 2012

SENATE FILE 2038

H-8308

- 1 Amend Senate File 2038, as passed by the Senate, as
- 2 follows:

- 3 1. Page 5, before line 24 by inserting:
- 4 <Sec. _____. Section 91A.5A, subsection 1, Code 2011,
- 5 is amended to read as follows:

- 6 1. An employer shall provide each employee who is
- 7 a veteran, as defined in section 35.1, with holiday
- 8 time off for Veterans Day, November 11, if the employee
- 9 would otherwise be required to work on that day, as
- 10 provided in this section. If Veterans Day falls on a
- 11 Saturday, an employer shall provide the employee with
- 12 holiday time off for the preceding Friday. If Veterans
- 13 Day falls on a Sunday, an employer shall provide
- 14 the employee with holiday time off for the following
- 15 Monday. However, if the employee is otherwise required
- 16 to work on such a Saturday or Sunday, an employer shall
- 17 only be required to provide the employee with holiday
- 18 time off for Veterans Day, November 11.>

- 19 2. Title page, line 1, after <relating to> by
- 20 inserting <veterans by making changes related to>
- 21 3. Title page, line 3, after <affairs> by inserting
- 22 <and to employer requirements for the observance of
- 23 Veterans Day>

- 24 4. By renumbering as necessary.

By KEARNS of Lee

H-8308 FILED MARCH 20, 2012

SENATE FILE 2038

H-8310

1 Amend Senate File 2038, as passed by the Senate, as
2 follows:

3 1. Page 5, after line 8 by inserting:

4 <Sec. _____. Section 35B.6, subsection 1, paragraphs
5 a and c, Code 2011, are amended to read as follows:

6 a. The members of the commission shall qualify by
7 taking the usual oath of office, ~~and give bond in the~~
8 ~~sum of five hundred dollars each, conditioned for the~~
9 ~~faithful discharge of their duties with sureties to be~~
10 ~~approved by the county auditor.~~ The commission shall
11 organize by the selection of one of their members as
12 chairperson and one as secretary. The commission,
13 subject to the approval of the board of supervisors,
14 shall employ an executive director or administrator
15 and shall have the power to employ other necessary
16 employees when needed, including administrative or
17 clerical assistants, but no member of the commission
18 shall be so employed. ~~The compensation of such~~
19 ~~employees shall be fixed by the board of supervisors.~~
20 The state department of veterans affairs shall
21 recognize the executive director or administrator as
22 a county veterans service officer recognized pursuant
23 to 38 C.F.R. { 14.628(c) for the purposes of assisting
24 veterans and their dependents in obtaining federal
25 benefits. The commission shall recommend the annual
26 compensation of the executive director or administrator
27 to the board of supervisors. The board of supervisors
28 shall consider the recommendation and shall determine
29 and approve the annual compensation of the executive
30 director or administrator. The executive director
31 must possess the same qualifications as provided in
32 section 35B.3 for commission members. However, this
33 qualification requirement shall not apply to a person
34 employed as an executive director prior to July 1,
35 1989.

36 c. Upon the employment of an executive director or
37 administrator, the executive director or administrator
38 shall complete a course of certification training
39 provided by the department of veterans affairs
40 pursuant to section 35A.5. If an executive director
41 or administrator fails to obtain certification within
42 one year of being employed, the executive director
43 or administrator shall be removed from office. A
44 ~~commissioner or other~~ commission employee may also
45 complete the course of certification training. The
46 department shall issue the executive director,
47 administrator, ~~commissioner~~, or employee a certificate
48 of training after completion of the certification
49 training course. To maintain certification, the
50 executive director, administrator, ~~commissioner~~,

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1 or employee shall satisfy the continuing education
2 requirements established by the national association
3 of county ~~veteran~~ veterans service officers. Failure
4 of an executive director or administrator to maintain
5 certification shall be cause for removal from office.
6 The expenses of training the executive director or
7 administrator shall be paid from the appropriation
8 authorized in section 35B.14.

9 Sec. _____. Section 35B.6, subsection 1, paragraph
10 d, Code 2011, is amended by adding the following new
11 subparagraph:

12 NEW SUBPARAGRAPH. (3) Complete and submit all
13 forms required for federal, state, and county benefits.

14 Sec. _____. Section 35B.6, subsection 2, Code 2011,
15 is amended to read as follows:

16 2. a. Two or more boards of supervisors may agree,
17 pursuant to chapter 28E, to share the services of an
18 executive director or administrator. The agreement
19 shall provide for the establishment of a commission
20 of veteran affairs office in each of the counties
21 participating in the agreement.

22 b. It shall be unlawful for any county board of
23 supervisors or any county commission of veteran affairs
24 to place the administration of the duties of the county
25 commission of veteran affairs under any other agency
26 of any county, or to publish the names of the veterans
27 or their families who receive benefits under the
28 provisions of this chapter.

29 Sec. _____. Section 35B.6, subsection 3, Code 2011,
30 is amended by striking the subsection.

31 Sec. _____. Section 35B.6, subsection 4, paragraph a,
32 Code 2011, is amended to read as follows:

33 a. Each county commission of veteran affairs
34 shall maintain an office in a public building owned,
35 operated, or leased by the county.

36 Sec. _____. Section 35B.7, Code 2011, is amended to
37 read as follows:

38 35B.7 Meetings ---- report ---- budget.

39 The commission shall meet monthly and at other
40 times as necessary. At the monthly meeting it shall
41 determine who are entitled to county benefits and
42 the probable amount required to be expended. The
43 commission shall meet annually to prepare an estimated
44 budget for all expenditures to be made in the next
45 fiscal year and certify the budget to the board of
46 supervisors. The board may approve or reduce the
47 budget for valid reasons shown and entered of record
48 and the board's decision is final.

49 Sec. _____. Section 35B.10, Code 2011, is amended to
50 read as follows:

1 35B.10 Disbursements ---- inspection of records.
2 1. All claims certified by the commission shall
3 be reviewed by the board of supervisors and the
4 county auditor shall issue warrants in payment of the
5 claims. All applications, investigation reports, and
6 case records are privileged communications and shall
7 ~~be held~~ confidential, subject to use and inspection
8 only by persons authorized by law in connection with
9 their official duties relating to financial audits and
10 the administration of this chapter or as authorized
11 by order of a district court. ~~However, the county~~
12 ~~commission of veteran affairs shall prepare and file~~
13 ~~in the office of the county auditor on or before the~~
14 ~~thirtieth day of each January, April, July, and October~~
15 ~~a report showing the case numbers of all recipients~~
16 ~~receiving assistance under this chapter, together with~~
17 ~~the amount paid to each during the preceding quarter.~~
18 ~~Each report so filed shall be securely fixed in a~~
19 ~~record book to be used only for such reports made under~~
20 ~~this chapter.~~ A person may sign a release to authorize
21 the examination of that person's applications, reports,
22 or records.

23 ~~The record book shall be and the same is hereby~~
24 ~~declared to be a public record, open to public~~
25 ~~inspection at all times during the regular office~~
26 ~~hours of the county auditor. Each person who desires~~
27 ~~to examine said records, other than in pursuance of~~
28 ~~official duties as hereinbefore provided, shall sign~~
29 ~~a written request to examine the same, which shall~~
30 ~~contain an agreement on the part of the signer that~~
31 ~~the signer will not utilize any information gained~~
32 ~~therefrom for commercial or political purposes.~~

33 2. It shall be unlawful for any person, body,
34 association, firm, corporation or any other agency
35 to solicit, disclose, receive, make use of or to
36 authorize, knowingly permit, participate in or
37 acquiesce in the use of any lists, names or other
38 information obtained from the reports above provided
39 for, for commercial or political purposes, and a
40 violation of this provision shall constitute a serious
41 misdemeanor.

42 Sec. _____. Section 35B.14, Code 2011, is amended by
43 adding the following new subsections:

44 NEW SUBSECTION. 3. The commission is responsible
45 for the interment in a suitable cemetery of the body of
46 any veteran, as defined in section 35.1, or the spouse,
47 surviving spouse, or child of the person, if the person
48 has died without leaving sufficient means to defray the
49 funeral expenses. The commission may pay the expenses
50 in a sum not exceeding an amount established by the

1 board of supervisors.

2 NEW SUBSECTION. 4. Burial expenses shall be paid
3 by the county in which the person died. If the person
4 is a resident of a different county at the time of
5 death, the county of residence shall reimburse the
6 county where the person died for the cost of burial.
7 In either case, the board of supervisors of the
8 respective counties shall audit and pay the account
9 from the funds provided for in this chapter in the
10 manner as other claims are audited and paid.

11 Sec. _____. Section 35B.16, Code 2011, is amended to
12 read as follows:

13 35B.16 Markers for graves.

14 The county commission of veteran affairs may
15 furnish a suitable and appropriate ~~metal~~ marker for
16 the grave of each veteran, as defined in section 35.1,
17 who is buried within the limits of the county. The
18 marker shall be placed at the individual's grave to
19 permanently mark and designate the grave for memorial
20 purposes. The expenses shall be paid from any funds
21 raised as provided in this chapter.

22 Sec. _____. Section 35B.17, Code 2011, is amended to
23 read as follows:

24 35B.17 Maintenance of graves.

25 1. The county boards of supervisors shall each
26 year appropriate and pay to the owners of, or to the
27 public board or officers having control of cemeteries
28 within the state in which any such deceased service
29 person is buried, a sum sufficient to pay for the care
30 and maintenance of the lots on which they are buried
31 in all cases in which provision for such care is not
32 otherwise made, or may conclude their responsibility
33 by paying a mutually agreed to fee for perpetual care
34 when the cemetery authority has established a perpetual
35 care fund for the cemetery, to be paid either as a lump
36 sum, or in not to exceed five installments in a manner
37 agreed to by the parties.

38 2. Payment under subsection 1 shall be made at the
39 rate charged for like care and maintenance of other
40 lots of similar size in the same cemetery, upon the
41 affidavit of the superintendent or other person in
42 charge of such cemetery, that the same has not been
43 otherwise paid or provided for.

44 Sec. _____. Section 35B.19, Code 2011, is amended to
45 read as follows:

46 35B.19 Burial records.

47 The ~~county commission of veteran affairs~~ executive
48 director or administrator shall be charged with
49 securing the information requested by the department
50 of veterans affairs of every person having a military

1 service record and buried in ~~that~~ the county. Such
2 information shall be secured from the undertaker
3 in charge of the burial or cremation and shall be
4 transmitted by the undertaker to the ~~commission of~~
5 county veteran affairs office of the county where
6 burial or disposition of cremated remains is made.
7 This information shall be recorded alphabetically and
8 by description of location in the cemetery where the
9 veteran is buried or the place of disposition of the
10 cremated remains of the veteran. This recording shall
11 conform to the directives of the department of veterans
12 affairs and shall be kept in a book by the ~~county~~
13 commission executive director or administrator.>

14 2. Page 5, after line 23 by inserting:

15 <Sec. _____. Section 64.11, Code 2011, is amended to
16 read as follows:

17 64.11 Expense of bonds paid by county.

18 If a county treasurer, county attorney, recorder,
19 auditor, sheriff, medical examiner, ~~member of the~~
20 ~~veterans affairs commission~~, member of the board of
21 supervisors, engineer, steward, or matron elects to
22 furnish a bond with an association or incorporation as
23 surety as provided in this chapter, the reasonable cost
24 of the bond shall be paid by the county where the bond
25 is filed.

26 Sec. _____. Section 331.381, subsection 6, Code 2011,
27 is amended to read as follows:

28 6. Audit and pay the burial expense for indigent
29 veterans, as provided in section ~~35B.15~~ 35B.14,
30 subsection 4.

31 Sec. _____. Section 331.502, subsections 14 and 15,
32 Code 2011, are amended by striking the subsections.

33 Sec. _____. Section 331.508, subsection 5, Code 2011,
34 is amended by striking the subsection.>

35 3. Page 5, line 26, by striking <and>

36 4. Page 5, line 27, after <35.12,> by inserting
37 <35A.9, 35B.8, 35B.9, 35B.12, 35B.13, 35B.15, and
38 35B.18>

39 5. Page 5, by striking line 28.

40 6. Title page, line 1, after <relating to> by
41 inserting <veterans by making changes related to>

42 7. Title page, line 3, after <affairs> by inserting
43 <and the county commissions of veterans affairs>

44 8. By renumbering as necessary.

By ALONS of Sioux

SENATE FILE 2242

H-8309

1 Amend the amendment, H-8276, to Senate File 2242, as
2 passed by the Senate, as follows:

3 1. Page 2, after line 19 by inserting:

4 <Sec. _____. Section 232.102, subsection 10, Code
5 2011, is amended by adding the following new paragraph:
6 NEW PARAGRAPH. c. If the department, social worker
7 or caseworker, juvenile court officer, or other agency
8 licensed by the state to conduct a social investigation
9 and prepare a social report makes a recommendation
10 regarding placement of a child pursuant to a temporary
11 removal hearing under section 232.95, adjudicatory
12 hearing under section 232.96, or transfer of legal
13 custody proceeding under subsection 5 of this section,
14 the department, social worker or case worker, juvenile
15 court officer, or other agency shall first consider and
16 provide information on the stability of the child's
17 home.>>

18 2. By renumbering as necessary.

By HEATON of Henry

H-8309 FILED MARCH 20, 2012

SENATE FILE 2293

H-8312

1 Amend Senate File 2293, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, after line 6 by inserting:

4 <Sec. _____. Section 505.8, subsection 6, Code
5 Supplement 2011, is amended by adding the following new
6 paragraph:
7 NEW PARAGRAPH. 0c. The commissioner, in
8 cooperation with the consumer advocate, shall provide
9 information for consumers on the insurance division's
10 internet site about the impact on Iowa consumers of
11 the federal Patient Protection and Affordable Care
12 Act, Pub. L. No. 111-148, as amended by the federal
13 Health Care and Education Reconciliation Act of 2010,
14 Pub. L. No. 111-152, and any amendments thereto,
15 or regulations or guidance issued under those Acts,
16 including but not limited to funding received by the
17 state pursuant to the federal Act, benefits offered to
18 consumers in the state pursuant to the federal Act,
19 health care coverage expansions in the state and the
20 number of Iowa consumers who are benefitting from those
21 expansions as a result of the Act, and future benefits
22 and expansions which will result from the federal
23 Act. The information provided shall include links
24 to federal resources on the internet which provide
25 periodic updates and bulletins on the implementation
26 of the federal Act.>

27 2. By renumbering as necessary.

By PETERSEN of Polk

H-8312 FILED MARCH 20, 2012

SENATE FILE 2296

H-8311

1 Amend Senate File 2296, as passed by the Senate, as
2 follows:

3 1. Page 1, after line 11 by inserting:

4 <Sec. _____. Section 907.3, subsection 3, unnumbered
5 paragraph 1, Code Supplement 2011, is amended to read
6 as follows:

7 By record entry at the time of or after sentencing,
8 the court may suspend the sentence and place the
9 defendant on probation upon such terms and conditions
10 as it may require including commitment to an alternate
11 jail facility or a community correctional residential
12 treatment facility to be followed by a period of
13 probation as specified in section 907.7, or commitment
14 of the defendant to the judicial district department
15 of correctional services for supervision or services
16 under section 901B.1 at the level of sanctions which
17 the district department determines to be appropriate
18 and the payment of fees imposed under section 905.14.
19 A person so committed who has probation revoked shall
20 not be given credit for such time served. However, ~~the~~
21 a person committed to an alternate jail facility or a
22 community correctional residential treatment facility
23 who has probation revoked shall be given credit for
24 time served in the facility. The court shall not
25 suspend any of the following sentences:

26 Sec. _____. APPLICABILITY AND WAIVER OF RIGHTS. A
27 person who commits an offense prior to the effective
28 date of this Act may expressly state to the court, at
29 the time of sentencing, that the person waives any
30 rights under Anderson v. State, 801 N.W.2d 1, relating
31 to the calculation of credit for time served, and agree
32 to be sentenced using credits as calculated under
33 section 907.3 as amended by this Act. If the court
34 finds the waiver voluntary, the sentencing order shall
35 reference the person's waiver of rights under Anderson,
36 and order that credit for time served be calculated
37 under section 907.3, as amended by this Act.

38 Sec. _____. EFFECTIVE UPON ENACTMENT. The following
39 provision or provisions of this Act, being deemed of
40 immediate importance, take effect upon enactment:

41 1. The section of this Act amending section 907.3.

42 2. The section of this Act relating to the waiver
43 of rights under Anderson v. State.>

44 2. Title page, line 2, by striking <murder and
45 providing a penalty> and inserting <murder, credit for
46 time served while on probation for certain offenses,
47 providing a penalty, and including effective date
48 provisions>

49 3. By renumbering as necessary.

By ANDERSON of Page

H-8311 FILED MARCH 20, 2012

SENATE FILE 2313

H-8296

1 Amend the amendment, H-8223, to Senate File 2313,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, line 33, by striking <475,000> and
5 inserting <675,000>

6 2. Page 3, line 34, by striking <5.00> and
7 inserting <5.00 8.00>

By HUNTER of Polk

H-8296 FILED MARCH 20, 2012

SENATE FILE 2313

H-8297

1 Amend the amendment, H-8223, to Senate File 2313,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 5, by striking lines 25 through 39.

5 2. By renumbering as necessary.

By HUNTER of Polk

H-8297 FILED MARCH 20, 2012

SENATE FILE 2313

H-8298

1 Amend the amendment, H-8223, to Senate File 2313,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 7, by striking line 2 and inserting
5 <490,000>

6 2. Page 7, after line 4 by inserting:

7 <Of the moneys appropriated in this section,
8 \$200,000 shall be for the purpose of the establishment
9 of residential substance abuse facilities for
10 juveniles.>

By HUNTER of Polk

H-8298 FILED MARCH 20, 2012

SENATE FILE 2313

H-8299

1 Amend the amendment, H-8223, to Senate File 2313,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 7, by striking lines 2 through 4 and
5 inserting:

6 <346,213

7 FTEs 8.00>

By HUNTER of Polk

H-8299 FILED MARCH 20, 2012

SENATE FILE 2313

H-8300

1 Amend the amendment, H-8223, to Senate File 2313,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 7, by striking lines 18 through 20 and
5 inserting:

6
7 FTEs $\frac{<226,200}{7.00}>$

8 2. Page 7, by striking lines 26 through 28 and
9 inserting:

10
11 FTEs $\frac{<1,235,000}{17.00}>$

12 3. Page 7, by striking line 34 and inserting:
13 <1,260,000>

By HUNTER of Polk

H-8300 FILED MARCH 20, 2012

SENATE FILE 2313

H-8301

1 Amend the amendment, H-8223, to Senate File 2313,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 16, by striking lines 13 through 17.

By HUNTER of Polk

H-8301 FILED MARCH 20, 2012

SENATE FILE 2313

H-8302

1 Amend the amendment, H-8223, to Senate File 2313,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 8, by striking line 11 and inserting
5 <678,942>

6 2. Page 8, by striking line 18 and inserting
7 <2,172,971>

8 3. Page 8, by striking line 31 and inserting
9 <5,763,146>

10 4. By striking page 10, line 23, through page 11,
11 line 19.

12 5. Page 15, by striking lines 7 through 21.

13 6. Page 16, after line 7 by inserting:

14 <Sec. ____ . REPEAL. 2011 Iowa Acts, chapter 129,
15 section 149, is repealed.>

16 7. By renumbering as necessary.

By KELLEY of Jasper

H-8302 FILED MARCH 20, 2012

SENATE FILE 2313

H-8307

1 Amend the amendment, H-8223, to Senate File 2313,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 15, before line 22 by inserting:

5 <Sec. _____. Section 8A.311, Code Supplement 2011, is
6 amended by adding the following new subsections:

7 NEW SUBSECTION. 12A. a. If the lowest responsive
8 bid received by the state or a political subdivision
9 for products or other purchases is from an out-of-state
10 business and totals less than five hundred thousand
11 dollars, and an Iowa-based business submitted a bid
12 which is within five percent or ten thousand dollars
13 of the price of the lowest bid, whichever is less,
14 the Iowa-based business which submitted the lowest
15 responsive bid shall be notified and shall be allowed
16 to match the lowest bid before a contract is awarded.

17 b. This subsection does not apply to a request
18 for bids or proposals for products or other purchases
19 associated with the following:

20 (1) Road or bridge construction or repair.

21 (2) Architectural or engineering services.

22 NEW SUBSECTION. 12B. a. A response to a request
23 for bids or proposals for products or other purchases
24 by the state or a political subdivision which totals
25 less than five hundred thousand dollars in value shall
26 contain the following information:

27 (1) The percentage of the ownership of the
28 submitting business which is held by Iowa residents.

29 (2) The percentage of the employees who will be
30 carrying out work in connection with the contract
31 who are Iowa residents. For the purposes of this
32 paragraph, "employee" includes part-time, temporary,
33 contract, and substitute employees, and includes
34 employees of any contractors or subcontractors.

35 (3) An estimate of the percentage of purchases
36 to be made by the submitting business in connection
37 with the contract that will be made from Iowa-based
38 businesses.

39 (4) The amount of property tax paid by the
40 submitting business during the most recently completed
41 fiscal year for which such a figure is available.

42 b. This subsection does not apply to a request
43 for bids or proposals for products or other purchases
44 associated with the following:

45 (1) Road or bridge construction or repair.

46 (2) Architectural or engineering services.

47 NEW SUBSECTION. 12C. Subsections 12A and 12B do
48 not apply to procurement of or for a public improvement
49 as defined in section 26.2.>

50 2. By renumbering as necessary.

By THOMAS of Clayton

H-8307 FILED MARCH 20, 2012

SENATE FILE 2314

H-8305

1 Amend the amendment, H-8289, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 3 through 6 and
5 inserting:

6 <____. Page 1, before line 1 by inserting:

7 <Sec. _____. 2011 Iowa Acts, chapter 125, section 2,
8 subsection 1, paragraphs a and c, are amended to read
9 as follows:

10 a. Operations:

11 \$ ~~40,356,529~~
12 40,076,529
13 FTEs 296.00

14 c. Highways:

15 \$~~230,913,992~~
16 230,113,992
17 FTEs 2,247.00>

18 _____. Page 6, after line 8 by inserting:

19 <Sec. _____. EFFECTIVE UPON ENACTMENT. The following
20 provision of this Act, being deemed of immediate
21 importance, takes effect upon enactment:

22 1. The section of this Act amending 2011 Acts,
23 chapter 125, section 2, subsection 1, paragraphs a and
24 c.>

25 _____. By renumbering as necessary.>

By WAGNER of Linn

H-8305 FILED MARCH 20, 2012

Fiscal Note

Fiscal Services Division



HF 2221 – Dual Classification of Single Property (LSB 5697YH.1)
Analyst: Jeff Robinson (Phone: 515-281-4614) (jeff.robinson@legis.state.ia.us)
Fiscal Note Version – HF 2221 as amended by H-8068
Requested by Representative Kirsten Running-Marquardt

Description

Amendment **H-8068** to **HF 2221** is a strike after amendment. The amendment allows dual classification of a single property in a specific circumstance. The dual classification will allow classification of the space above a commercial structure that was used for human habitation to be classified as residential property, while the ground floor of the building remains classified as commercial. The dual classification will only be allowed in buildings that are no more than three stories in height and where the residential portion contain no more than two separate living units.

The new limited dual classification provision will not be allowed in areas where a division of revenue (tax increment financing) ordinance is in place prior to July 1, 2012.

The change will be first effective in tax year 2013 (FY 2015).

Background

The current commercial rollback is equal to 100.00% and is projected to remain at or near that level for the next eight fiscal years. This means that for the foreseeable future, property classified as commercial will be taxed at its full market value.

The current residential rollback is equal to 50.75% (FY 2013) and is projected to rise eight to eleven percentage points over the next eight fiscal years. This means that for the foreseeable future, property classified as residential will be taxed at 50.75% to 62.00% of its full market value.

Property that moves from the commercial classification to the residential classification, assuming the market value does not change, will pay approximately 44.00% less in property taxes over the next eight tax years.

Assumptions

- The Statewide amount of taxable commercial property that may benefit from the commercial to residential change allowed in the Bill is not known. For estimating purposes, the number of structures impacted statewide is estimated to be 800, and the average value converted from commercial to residential is assumed to be \$60,000. This yields a statewide impacted taxable value of \$48.0 million.
- The property tax reduction is assumed to be 44.0%. This results in a statewide taxable value reduction of \$21.1 million.
- The Statewide average commercial property tax rate for FY 2012 is \$38.41 per \$1,000 of taxable valuation. Of that amount, \$5.40 per \$1,000 is the school foundation basic levy.

Fiscal Impact

House File 2221, as amended by H-8068, is projected to reduce property taxes owed by the owners of impacted building by \$811,000 annually. Of that amount, \$114,000 will be the increased cost to the State General Fund through the School Aid Formula, and \$697,000 will be the revenue reduction for local governments.

Number of Buildings Impacted	800
Average Impacted Value	\$ 60,000
Statewide Impacted Value	\$ 48,000,000
Tax Reduction %	44.0%
Taxable Value Reduction	\$ 21,120,000
Average Tax Rate	\$ 38.41
Tax Reduction	\$ 811,000
State School Aid Impact	\$ 114,000
Local Government Impact	\$ 697,000

There will also be a local assessor expense associated with this change. Iowa law currently requires singularly-titled properties to be classified within one property classification based on the property's primary use. The current assessor system and procedures would need to be modified in order to allow a single property to be classified in two different property classifications.

Sources

Legislative Services Agency analysis

/s/ Holly M. Lyons

March 16, 2012

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Iowa Code [section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
